

Notice of Allowability

Application No.

09/817,669

Examiner

Peter J Macchiarolo

Applicant(s)

HUDAK, GEORGE J.

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/03/2004.
2. ☒ The allowed claim(s) is/are 23,24,28 and 29.
3. ☒ The drawings filed on 03/26/2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Acknowledged Receipt

1. Receipt is acknowledged of the amendment to the claims and remarks relating to the prior rejection, both of which were filed on 09/03/2004. The above have been considered and entered, however, pending claims 23, 24, 28, and 29 are not allowed as explained below.

Response to Arguments

2. Applicant's arguments, filed 09/03/2004 with respect to the 112, 1st paragraph rejection have been fully considered and are persuasive.

3. Firstly, the Examiner notes that the Arguments improperly list the application incorporating by reference USPN 4656504. Page 4, lines 17-20 incorporate by reference USPN 4654504 to Sullivan et al published March 31, 1987.

4. Secondly, the Examiner notes the instant drawings fail to show that the resonator is radial, since there is no centerline present in the section view of figure 2. It is not clear if the resonating cavity is circular, cubical, or another non-radial structure. However, USPN 4654504 to Sullivan, which was incorporated by reference, does show in figures 1 and 2 that the resonator is indeed radial. Therefore, the 112 1st paragraph rejection of the previous rejection is hereby withdrawn.

Allowable Subject Matter

5. Claims 23, 24, 28, and 29 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

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7. The prior art of record teaches a radial resonator which is cooled with liquid (see for example USPN 4654504 to Sullivan et al) and an air cooled non-radial resonator (see for example USPN 3678327 to Schmidt). However, the prior art does not motivate or disclose a discharge tube being a radial resonator that is cooled by air, in combination with the remaining limitations of the claim. The Examiner notes that Sullivan teaches away from using an air cooling configuration.

8. Claims 23, 24, and 28 are allowable due to their dependency.

9. Any comments considered necessary by the Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of reasons for Allowance."

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (571) 272-2375.

The examiner can normally be reached on 8:30 - 5:00, M-F.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D Patel can be reached on (571) 272-2475. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph Williams Primary Examiner AU 2879
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